IN THE HIGH COURT OF JUDICATUREAT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1723 OF 2005
IN
SUIT NO.66 OF 2004

Samarathmal Hajarimal Mehta ...Plaintiff
Vs.
Pirchand Misrimal Bhansali ...Defendant

Ms. Alpha Jhaveri i/b. Ms. Usha Purohit for Plaintiff
to show cause
Mr. B.B. Saraf i/b. Kartikeya & Asso. for defendant
in support of Notice of Motion.

CORAM: SMT. ROSHAN DALVI, J.
DATED: 30TH JUNE, 2006

P.C.

1. The defendant has taken out this Notice of Motion for fixing the royalty payable by the plaintiff for continuing in possession of the suit premises, as the agent of the Court Receiver appointed in the suit pursuant to the order of the Honourable Supreme Court in that behalf. The plaintiff is indeed in possession of the suit premises. Royalty has to be fixed. The Court Receiver is a best Officer to fix the royalty. Hence order.

O R D E R

The Court Receiver shall, upon hearing the plaintiff as well as the defendant and following the usual

procedure fix the royalty payable by the plaintiff in respect of the suit premises.

The plaintiff shall pay the royalty as fixed.

Notice of Motion disposed of accordingly. NOC.

(SMT.ROSHAN DALVI, J.)